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Utility Patent  
Ser. No. 09/767,413

**BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: C. Cassel	)	Date:	September 2, 2009
	)		
Serial No.: 09/767,413	)	Group Art Unit:	2632
	)		
Filed: 01/23/01	)	Examiner:	T. Pham
	)		
Title: Combination Breathing Monitor	)		
Alarm And Audio Baby Alarm	)		

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**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313.

Name:

*Terry Lakos*  
**TERRY LAKOS**

Date

*9/3/09*

Hon. Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 20231

**AMENDMENT**

Dear Sir:

In response to a telephonic discussion that took place with the Examiner on August 18, 2009, applicant respectfully requests a summary of status on this present matter.

As background, on 06/27/06 the Board of Appeals issued an Order returning the Undocketed Appeal to the Examiner. On 07/18/2006 the Examiner issued an action requesting a revised Appeal Brief including a revised Summary.

On 08/31/2006, Applicant filed a revised Appeal Brief in response to these actions. A

copy of this Brief, with valid executed Certificate of Service, dated 08/31/2006. However, in the telephonic discussion that took place with the Examiner on August 18, 2009 this Revised Appeal Brief did not appear to be available to the Examiner.

Consequently, Applicant would respectfully request the status of this Appeal in the present matter.

Respectfully submitted,

  
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Enclosure